

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 05-50004

VERSUS

JUDGE S. MAURICE HICKS, JR.

LEO LOSTON

MAGISTRATE JUDGE HORNSBY

ORDER

Before the Court is a Motion to Allow State Sentence to Run Concurrent with Federal Sentence (Record Document 62) filed by the defendant, Leo Loston ("Loston"). Loston filed the instant motion seeking "the relief of allowing the Federal and State sentences to run at the same time." Id. at 1.

The Court has reviewed both the Presentence Investigation Report and its notes from the sentencing hearing. There is nothing in either to indicate that the Court intended for Loston's federal and state sentences to run concurrently. Likewise, the judgment is silent on this issue. See Free v. Miles, 333 F.3d 550, 553 (5th Cir.2003) (holding that when a federal judgment is silent with respect to whether sentences are to run concurrently or consecutively, the presumption is that they will run consecutively unless the court specifically orders that they run concurrently).

Accordingly,

IT IS ORDERED that the Motion to Allow State Sentence to Run Concurrent with Federal Sentence (Record Document 62) be and is hereby **DENIED**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 1st day of July, 2009.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE